

**DOCKET NO. 3:01-CR-31-14-FDW**

**Defendant.**

3. The full record before the Court reflects a defendant who was had a lengthy involvement in a violent drug distribution conspiracy and who has already received an extraordinarily large

reduction in his sentence on account of his substantial assistance. In light of these facts, as well as a less than perfect disciplinary record while incarcerated, the Court will attempt to fashion a sentence that gives defendant some benefit of the amendment while promoting adequate respect for the law.

4. Upon consideration of the sentencing factors set forth in 18 U.S.C. § 3553(a), the possible threat to public safety posed by the early release of a person with this defendant's criminal predispositions, and this defendant's post-sentencing conduct, the court finds:

- a. That the defendant should receive some benefit from the retroactive application of Amendment 706, but that a reduction to 120 months is inappropriate; and
- b. That a sentence of **124 months** is adequate, but no greater than necessary, to accomplish the objectives of 18 U.S.C. § 3553(a), while a further reduction would frustrate those objectives;<sup>1</sup> and
- c. That this sentence is below the amended guidelines range on account of the Defendant's prior substantial assistance to the government.

An appropriate Order shall issue separately.

Signed: September 5, 2008



Frank D. Whitney  
United States District Judge



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<sup>1</sup>The Court notes that it is not required under Fourth Circuit case law to undertake an exhaustive analysis of all of the § 3553(a) factors in this Order. See United States v. Legree, 205 F.3d 724, 728-29 (4th Cir. 2000).